

## OFFICIAL COPY

Fresno, California

June 28, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager  
 Jon Ruiz, Assistant City Manager  
 Ruthie Quinto, Interim Assistant City Manager  
 Hilda Cantu Montoy, City Attorney  
 Becky Klisch, City Clerk  
 Yolanda Salazar, Assistant City Clerk

Pastor Larry Patten, Wesley United Methodist Church, gave the invocation, and President Dages led the Pledge of Allegiance.

**PROCLAMATION OF SWEET ADOLINES WEEK AND GROUP MUSICAL PRESENTATION OF THE STAR SPANGLED BANNER - COUNCILMEMBER STERLING**

The proclamation was read and presented and the Sweet Adolines sang the Star Spangled Banner.

**INTRODUCTION OF BISHOP HONG, THE FIRST CATHOLIC HMONG BISHOP IN THE UNITED STATES**

Introduction made.

**PROCLAMATION OF "BUY A BIRD - FEED A FAMILY" DAY - COUNCILMEMBER STERLING**

Proclaimed.

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**APPROVE MINUTES OF JUNE 21, 22 AND 23, 2005:**

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the minutes of June 21, 22 and 23, 2005, approved as submitted.

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**COUNCIL MEMBER REPORTS AND COMMENTS:**

THANK YOU TO GOVERNOR SCHWARZENEGGER FOR HIS COMMITMENT TO THE SAN JOAQUIN VALLEY PARTNERSHIP AND TO MAYOR AUTRY AND THE REGIONAL JOBS INITIATIVE FOR THEIR WORK WITH STATE LEGISLATORS - COUNCILMEMBER WESTERLUND

Commendation made.

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**APPROVE AGENDA:**

**(2-C) SELECT PROPOSAL OF FRESNO AREA EXPRESS (FAX) FOR DEMAND RESPONSIVE PARATRANSIT SERVICES (HANDYRIDE)**

**1. APPROVE AN INTERIM CONTRACT TO LAIDLAW TRANSIT SERVICES, INC, FOR DEMAND RESPONSIVE PARATRANSIT SERVICES (HANDYRIDE)**

**2. RESOLUTION - 24<sup>TH</sup> AMENDMENT TO PAR 2004-210 CREATING SIXTY-FOUR (64) FULL-TIME POSITIONS AND TEN (10) PART-TIME POSITIONS TO PROVIDE ADEQUATE STAFFING FOR HANDYRIDE SERVICES**

President Dages advised staff was removing Items 2-C and 2-C-2 from the agenda, and Item 2-C-1 was being left on. So noted.

**(1-J) APPROVE AMENDMENT NO. 2 TO AGREEMENT WITH THE BUSKE GROUP FOR PROFESSIONAL SERVICES RELATING TO CABLE TV FRANCHISE RENEWAL**

Moved to General Administration by City Manager Souza. Councilmember Duncan later stated he would be recusing himself from the proceedings when the issue is heard due to family interest in Comcast.

**(10:15 A.M.) CONTINUED HEARING TO DETERMINE PUBLIC USE AND NECESSITY FOR ACQUISITION OF PERMANENT EASEMENTS AND RIGHTS OF WAY FOR PUBLIC STREET PURPOSES AND TEMPORARY CONSTRUCTION EASEMENT FROM APN 407-154-07, LOCATED AT THE INTERSECTION OF BLACKSTONE AND BULLARD AVENUES, OWNED BY FRESNO AUTOMOTIVE DEVELOPMENT**

**1. RESOLUTION - DETERMINING THAT PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION**

City Clerk Klisch advised the hearing was being cancelled as Fresno Automotive Development (Michael Rosvold) signed the documents to convey the required street easement to the City. So noted.

**(1-A) APPROVE APPLICATION FOR, AND ACCEPTANCE OF, FY 2005 ASSISTANCE TO FIREFIGHTERS -- STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM, ISSUED THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY/OFFICE OF DOMESTIC PREPAREDNESS, AND AUTHORIZE THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS**

**1. RESOLUTION - AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDING AND COMPLETION OF DOCUMENT FOR THE "SAFER" PROGRAM**

City Clerk Klisch advised the words: "*and acceptance of*" were to be deleted from the title. So noted.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**ADOPT CONSENT CALENDAR:**

Gloria Torrez stated consent items were not routine and needed to be discussed and acted upon separately; spoke to Item **1-G** stating FAX monies needed to stay with FAX and not go to other departments; and expressed concern with the large amount of money involved with item **1-O** and questioned if the City owned the stadium, with President Dages responding.

**(1-B) APPROVE APPLICATION FOR, AND ACCEPTANCE OF, GRANT AWARD FOR \$78,000 FROM FY 2004 ASSISTANCE TO FIREFIGHTERS -- FIRE PREVENTION AND SAFETY GRANT PROGRAM ISSUED THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS)/OFFICE OF DOMESTIC PREPAREDNESS, AND AUTHORIZE THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS**

**1. RESOLUTION NO. 2005-245 - AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF GRANT FUNDING AND COMPLETION OF DOCUMENTS**

**2. RESOLUTION NO. 2005-246 - 94<sup>TH</sup> AMENDMENT TO AAR 2004-209 APPROPRIATING \$54,600 IN DHS GRANT FUNDS AND \$13,400 IN MATCHING FUNDS FROM THE FIRE CHIEF'S FOUNDATION TO THE FIRE DEPARTMENT, AND TRANSFERRING \$10,000 FROM THE GENERAL FUND TO THE HOMELAND SECURITY GRANT-FIRE FUND**

**(1-D) RESOLUTION NO. 2005-247** - 96<sup>TH</sup> AMENDMENT TO AAR 2004-209 APPROPRIATING \$17,600 TO THE POLICE DEPARTMENT FOR THE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND (SLESF)

**(1-E)** AUTHORIZE THE RENEWAL OF AN AGREEMENT BETWEEN THE FRESNO COUNTY PEACE OFFICERS ASSOCIATION, INC., (FCPOA) AND THE POLICE DEPARTMENT FOR USE OF THE FIREARMS RANGE TO CONDUCT FIREARMS TRAINING

**(1-F)** ADOPT RESOLUTION OF INTENTION NO. 1042-D SETTING A PUBLIC HEARING FOR JULY 19, 2005, AT 10:30 A.M. TO CONSIDER THE VACATION OF A PORTION OF BARSTOW AVENUE EAST OF BRYAN AVENUE

**(1-G) RESOLUTION NO. 2005-248** - CONCERNING LOCAL TRANSPORTATION PURPOSE FUNDS - MEASURE C

1. AUTHORIZE THE CITY MANAGER TO EXECUTE THE LOCAL TRANSPORTATION PURPOSES CERTIFICATION AND CLAIM FORM

**(1-H) RESOLUTION NO. 2005-249** - AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER LEASE PURCHASE AGREEMENT AND CERTAIN SEPARATE LEASE SCHEDULES WITH ALL POINTS CAPITAL CORPORATION FACILITATING FUTURE CITY-WIDE LEASE-PURCHASE EQUIPMENT ACQUISITIONS, AND AUTHORIZING THE EXECUTION AND DELIVERY OF DOCUMENTS REQUIRED IN CONNECTION THEREWITH

**(1-I) RESOLUTION NO. 2005-250** - 87<sup>TH</sup> AMENDMENT TO AAR 2004-209 APPROPRIATING \$119,400 FROM THE WATER FUND AND REALLOCATING \$164,900 FROM THE SEWER FUND FOR ACQUISITION OF NEWLY CONSTRUCTED WATER AND SEWER INFRASTRUCTURE WITHIN THE SOUTH FRESNO INDUSTRIAL REVITALIZATION AREA #14

1. AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE AN AGREEMENT WITH VALLEY IRON, INC. FOR REIMBURSEMENT OF WATER AND SEWER INFRASTRUCTURE COSTS AS SHOWN IN TABLE 3/EXHIBIT 2 WITHIN THE AGREEMENT

**(1-K)** APPROVE INTERIM EXTENSIONS OF REQUIREMENTS CONTRACTS WITH KOCHERGEN FARMS COMPOSTING, INC., AND WEST COAST WASTE, INC., FOR TRANSPORTATION AND PROCESSING OF WOOD AND YARD WASTE

**(1-L)** APPROVE A MEMORANDUM OF UNDERSTANDING WITH THE FRESNO IRRIGATION DISTRICT AND OTHER WATER UTILITY ENTITIES TO PREPARE A REGIONAL GROUNDWATER MANAGEMENT PLAN, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO ENTER INTO THIS AGREEMENT ON BEHALF OF THE CITY, SUBJECT TO CITY ATTORNEY APPROVAL

**(1-M) RESOLUTION NO. 2005-251** - APPROVING THE FINAL MAP OF TRACT NO. 5141 AND ACCEPTING THE DEDICATED PUBLIC USES THEREIN, SOUTHEASTERLY SIDE OF N. VETERANS BOULEVARD BETWEEN W. SIERRA AND N. POLK AVENUES IN COUNCIL DISTRICT 2

1. **RESOLUTION NO. 2005-252** - 95<sup>TH</sup> AMENDMENT TO AAR 2004-209 APPROPRIATING \$161,500 TO FUND RIGHT OF WAY ACQUISITION IN UGM TRACT 5141

2. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY STORM DRAINAGE FACILITIES

3. AUTHORIZE THE PUBLIC UTILITIES DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT PROVIDING SPECIAL SOLID WASTE DISPOSAL SERVICES FOR CERTAIN LOTS

4. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN

**(1-N)** CONSIDER PROPOSED CHURCH-CLOVIS NO. 3 REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF PROPERTY FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TO THE CITY OF FRESNO (PROPERTY LOCATED IN DISTRICT 5)

1. AFFIRMING CITY COUNCIL ACTION OF APRIL 27, 2004, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-03-14/T-5171 DATED MARCH 5, 2004, RESULTING IN A MITIGATED NEGATIVE DECLARATION

2. **RESOLUTION NO. 2005-253** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED CHURCH-CLOVIS NO. 3 REORGANIZATION

145-261

6/28/05

**(1-O) RESOLUTION NO. 2005-254** - 97<sup>TH</sup> AMENDMENT TO AAR 2004-209 APPROPRIATING \$925,000 OF AVAILABLE BOND PROCEEDS TO ALLOW THE STADIUM CONSTRUCTION SETTLEMENT PAYMENT TO BE POSTED TO THE APPROPRIATE ACCOUNT

**(1-P)** APPROVE THE LABOR RELATIONS CONSULTANT AGREEMENT WITH RENEE MAYNE FOR LABOR RELATIONS NEGOTIATIONS AND RELATED SERVICES, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY, SUBJECT TO CITY ATTORNEY APPROVAL

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(2-A) HVAC SYSTEM MODIFICATION PARKING GARAGE NO. 9 (PARKING DIVISION RELOCATION)**

**1. RESOLUTION - SELECTING ALTERNATIVE "A" FOR COMPLETION OF THE HVAC SYSTEM MODIFICATION IN 70 WORKING DAYS**

**2. RESOLUTION NO. 2005-255 - SELECTING ALTERNATIVE "B" FOR COMPLETION OF THE HVAC MODIFICATION IN 120 WORKING DAYS**

**3. AWARD A CONTRACT FOR HVAC SYSTEM MODIFICATION PARKING GARAGE NO. 9**

General Services Director Nerland gave an overview of the issue, all as contained in the staff report as submitted, and added although staff was recommending Option "A" they were also comfortable with Option "B". Councilmember Calhoun stated there was no rush here and made a motion to approve Option "B" to save money.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-255 selecting Alternative "B" hereby adopted, and a contract for Alternative Bid Form "B" in the amount of \$407,300 for HVAC modifications at Parking Garage No. 9 hereby awarded to Strategic Mechanical, Inc., by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(2-B) APPROVE AN INTERIM REQUIREMENTS CONTRACT TO WEST COAST ARBORIST, INC., FOR MAINTENANCE OF MUNICIPAL TREES**

General Services Director Nerland gave an overview of the issue, all as contained in the staff report as submitted, including the letter received from Tree Elements who challenged the selection committee's evaluation, and advised staff was supportive of a second evaluation with a new selection committee and recommended Council approve the interim contract so service will not be interrupted through the second evaluation process.

Keith Ogburn, Attorney for Tree Elements, thanked staff and Council for the second evaluation and requested the new selection committee disregard West Coast Arborist's alternative bid stating it was suspicious and explained. City Attorney Montoy clarified the only issue before Council was the interim contract and advised Mr. Ogburn's comments would be put into the record for the future RFP issue.

Councilmember Sterling expressed concern with West Coast Arborist and elaborated on their "shoddy" work and added there would be changes if they did not "get their act together". Assistant City Manager Ruiz responded to questions of Councilmember Perea relative to the contract amount and if funds were budgeted or part of the contingency plan. Councilmember Calhoun thanked staff for handling the issue very well, and upon question of Councilmember Boyajian Ms. Montoy requested Council not get into discussion of the RFP and clarified there was no alternative to an interim contract.

**145-262****6/28/05**

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, an additional two month extension to an interim contract with West Coast Arborist, Inc., in the estimated amount of \$90,000 hereby approved for municipal street tree maintenance services through August 31, 2005, until the responses to the RFP for provision of this service can be reevaluated and a contract award is made, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(2-C-1) APPROVE AN INTERIM CONTRACT TO LAIDLAW TRANSIT SERVICES, INC, FOR DEMAND RESPONSIVE PARATRANSIT SERVICES (HANDYRIDE)**

General Services Director Nerland gave an overview of the issue as contained in the staff report as submitted, and President Dages clarified Items 2-C and 2-C-2 were removed from the agenda earlier by staff. A motion was made to approve staff's recommendation.

Speaking to the issue were: "ADA Advocate", Phone # 707-982-0000, who questioned what will happen at the end of 90 days (with President Dages responding) and stated there were serious violations with the Americans with Disabilities Act (ADA) and explained; Stuart Livensparger, Laidlaw Transit Services, **(2 - 0)** who requested the entire RFP be reissued and explained reasons therefor; Gloria Torrez who stated a lot of riders were dissatisfied with the current services provided by Laidlaw and explained; and Rick Steitz, President, ATU Local 1027, representing Laidlaw employees, who reminded Council their action last May directed anyone bidding on the RFP to bid according to current economic conditions and stated it was his understanding that had not happened and explained.

City Attorney Montoy responded to questions of Councilmembers Boyajian and Perea relative to Mr. Steitz' concern and if there was an appeal process, if a re-bid process would have to be put on the agenda, action Council could take at the hearing, and what Council could do if staff did not take Council's past request or direction into consideration in the RFP.

President Dages requested staff schedule Council's May motion/action to bid on the RFP according to current economic conditions on the July 19<sup>th</sup> agenda so that matter could be addressed prior to the RFP issue.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, an interim contract extension with Laidlaw Transit Services Inc., for continued demand responsive paratransit services through August 31, 2005, hereby approved with the provision to continue same service through September 30, 2005, should additional transition time be required by the City, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(1-J) APPROVE AMENDMENT NO. 2 TO AGREEMENT WITH THE BUSKE GROUP FOR PROFESSIONAL SERVICES RELATING TO CABLE TV FRANCHISE RENEWAL**

Councilmember Duncan recused himself from the proceedings due to a conflict of interest and left the meeting at 9:30 a.m. Cable Franchise Coordinator/Working Group Chair Lynch reviewed the issue as contained in the staff report as submitted and recommended approval to allow for continuity in the City's process and prohibit any loss of knowledge.

Mr. Lynch responded to questions, comments and concerns of Councilmember Calhoun at length relative to the contract going into the fourth fiscal year, amount paid to date, lack of information given to Council and lack of progress being made, what the status was, the issue being a "well kept secret" after all the past interest and discussion, the staff report asking Council to give more money and saying "trust me", when the contract expires, concern with the late request to approve, if the consultant has been used, and Council being owed

information and desire to have a report from the city manager and the Buske Group.

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Councilmember Westerlund spoke in support of staff's recommendation but stated it would be appropriate to have a closed session with the consultant since the matter was in negotiations. Discussion continued with Mr. Lynch responding to questions and/or concerns of Councilmembers Westerlund, Perea and Boyajian relative to the billing process, frustration with the amount of time this has taken, if there was actually a corporate policy to not negotiate with cities in the state, need for an update by the consultant, need for confirmation of a corporate policy, consequence if the amendment is not approved, when Comcast's contract expires, if the consultant would be requesting Council input on what can be negotiated, there being a lot of unknowns, and how close the City was to settling.

Assistant City Manager Ruiz stated these were difficult and complex negotiations, Ms. Buske was an expert and staff relied on her expertise, stated staff would provide additional information and an update in an appropriate form, and clarified action being requested this date would allow the expert to be kept on board to continue the negotiations and move forward, with President Dages stating one had to wonder about experts when they are in their third year of giving expert advice and the issue is still not resolved. Councilmember Calhoun noted the money was in the budget but he was not prepared to do anything until more information was provided and added at that time Council could choose to move forward.

A motion of Councilmember Westerlund, seconded by President Dages, to approve Contract Amendment No. 2 to the Agreement for Professional Services with The Buske Group failed, by the following vote:

Ayes :	Westerlund, Dages
Noes :	Boyajian, Perea, Sterling
Absent :	None
Abstain :	Calhoun
Recused :	Duncan

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Councilmember Duncan returned to the meeting at 9:50 a.m.

**(9:00 A.M.) PUBLIC COMMENT - UNSCHEDULED COMMUNICATION**

Upon call, no one wished to be heard. Councilmember Westerlund advised he told some people who wanted to address the Palm Lakes issue that they could speak under *Unscheduled Communication* but they were not present and upon his question President Dages stated he could reopen *Unscheduled Communication* later.

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**RECESS - 9:51 A.M. - 10:00 A.M.**

**(3-A) DISCUSSION AND DETERMINATION OF PROPOSED CHARTER AMENDMENT BALLOT MEASURE - COUNCILMEMBER DUNCAN**

**1. RESOLUTION NO. 2005-256 - SUBMITTING A PROPOSED CHARTER AMENDMENT TO REPEAL CHARTER SECTION 1504 RELATING TO THE (AUTOMATIC) EXPANSION OF THE NUMBER OF COUNCIL MEMBERS**

Councilmember Duncan gave a brief overview including the background and made a motion to adopt the resolution, which motion was seconded by Councilmember Perea. Councilmember Sterling spoke in support of the issue stating she did not think the voters knew the consequences when they approved the measure and added there would be no cost to the taxpayer. Councilmember Calhoun stated a future Council should make the decision, questioned why this was being rushed, and elaborated further in opposition. Councilmember Duncan stated this would only give voters a voice and a choice and added if this motion passes he would invite Councilmember Calhoun to write the opposing ballot message.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-256 hereby adopted, by the following vote:

Ayes :	Boyajian, Duncan, Perea, Sterling, Westerlund, Dages
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Noes : Calhoun  
Absent : None

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**145-264**

**6/28/05**

**(10:00 A.M.) HEARING TO CONSIDER THE VACATION OF A PORTION OF THE MARIPOSA -"U" ALLEY NORTH OF DIVISADERO STREET**

**1. RESOLUTION NO. 2005-257 - ORDERING THE VACATION OF THE ABOVE**

**(3 - 0)** President Dages announced the time had arrived to consider the issue and opened the hearing. Supervising Engineering Technician Polsgrove gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

Councilmember Sterling spoke in support of the County Bank project and made a motion to approve staff's recommendation. Councilmember Boyajian seconded the motion and thanked the bank stating this was a great project and the site was in dire need of a good project.

On motion of Councilmember Sterling, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2005-257 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
Noes : None  
Absent : None

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**(10:20 A.M.) CONTINUED HEARING ON CHANGE OF SERVICES FOR TRACT NO. 5258, ANNEXATION NO. 81, CFD NO. 2**

**1. RESOLUTION NO. 2005-258 - AUTHORIZING THE LEVY OF AN AMENDED SPECIAL TAX AND SETTING AN AMENDED APPROPRIATIONS LIMIT**

**2. RESOLUTION NO. 2005-259 - CALLING A SPECIAL MAILED-BALLOT ELECTION**

**3. RESOLUTION NO. 2005-260 - DECLARING ELECTION RESULTS**

**4. RESOLUTION NO. 2005-261 - CHANGING THE SPECIAL TAX**

**5. BILL NO. B-68 - ORDINANCE NO. 2005-70 - AMENDING ORDINANCE NO. 2004-124 AND LEVYING THE AMENDED SPECIAL TAX**

**6. RESOLUTION NO. 2005-262 - APPROVING THE FINAL MAPS OF TRACT NOS. 5258 AND 5295 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZING THE PUBLIC WORKS, PLANNING & DEVELOPMENT, AND PUBLIC UTILITIES DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS**

President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

President Dages stated he wanted to talk with staff about a tract at Peach and Grove Avenues.

On motion of President Dages, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-258, 2005-259, 2005-260 and 2005-261 hereby adopted; the above entitled Bill No. B-68 adopted as Ordinance No. 2005-70; the above entitled Resolution No. 2005-262 approving the final maps of Tracts 5258 and 5295 hereby adopted; the Public Works Director authorized to execute the Subdivision Agreement, the Statement of Covenants Affecting Land Development for Landscape Maintenance, the Statement of Covenants Affecting Land Development for Temporary Storm Drainage Facilities, and the Statement of Covenants Affecting Land Development for Temporary Off-Site Facilities; the Planning & Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the time of issuance of Certificate of Occupancy and Creation of Lien, and the Statement of Covenants Affecting Land Development Limiting Single-Story Construction; and the Public Utilities Director authorized to execute the Statement of Covenants Affecting Land Development Providing Special Solid Waste Services, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**145-265**

**6/28/05**

**(10:25 A.M.)** CONTINUED HEARING ON CHANGE OF SERVICES FOR TRACT NO. 5295, ANNEXATION NO. 82, CFD NO. 2

**1. RESOLUTION NO. 2005-263** - AUTHORIZING THE LEVY OF AN AMENDED SPECIAL TAX AND SETTING AN AMENDED APPROPRIATIONS LIMIT

**2. RESOLUTION NO. 2005-264** - CALLING A SPECIAL MAILED-BALLOT ELECTION

**3. RESOLUTION NO. 2005-265** - DECLARING ELECTION RESULTS

**4. RESOLUTION NO. 2005-266** - CHANGING THE SPECIAL TAX

**5. BILL NO. B-69 - ORDINANCE NO. 2005-71** - AMENDING ORDINANCE NO. 2004-125 AND LEVYING THE AMENDED SPECIAL TAX

**6. RESOLUTION NO. 2005-267** - APPROVING THE FINAL MAPS OF TRACT NOS. 5258 AND 5295 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, AND AUTHORIZING THE PUBLIC WORKS, PLANNING & DEVELOPMENT, AND PUBLIC UTILITIES DIRECTORS TO EXECUTE THE NECESSARY DOCUMENTS

President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-263, 2005-264, 2005-265 and 2005-266 hereby adopted, the above entitled Bill No. B-69 adopted as Ordinance No. 2005-71, the above entitled Resolution No. 2005-267 approving the final maps of Tracts 5258 and 5295 hereby adopted, the Public Works Director authorized to execute the Subdivision Agreement, the Statement of Covenants Affecting Land Development for Landscape Maintenance, the Statement of Covenants Affecting Land Development for Temporary Storm Drainage Facilities, and the Statement of Covenants Affecting Land Development for Temporary Off-Site Street Facilities, the Planning & Development Director authorized to execute the Statement of Covenants Affecting Land Development Deferring Certain Sewer Connection Charges, Water Connection Charges, Urban Growth Management Fees and Development Fees to the time of issuance of Certificate of Occupancy and Creation of Lien, and the Statement of Covenants Affecting Land Development Limiting Single-Story Construction, and the Public Utilities Director authorized to execute the Statement of Covenants Affecting Land Development Providing Special Solid Waste Services, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**RECESS - 10:26 A.M. - 10:45 A.M.**

**(10:30 A.M.)** CONTINUED HEARING ON CHANGE OF SERVICES FOR TRACT NO. 5237, ANNEXATION NO. 83, CFD NO. 2

**1. RESOLUTION NO. 2005-268** - AUTHORIZING THE LEVY OF AN AMENDED SPECIAL TAX AND SETTING AN AMENDED APPROPRIATIONS LIMIT

**2. RESOLUTION NO. 2005-269** - CALLING A SPECIAL MAILED-BALLOT ELECTION

**3. RESOLUTION NO. 2005-270** - DECLARING ELECTION RESULTS

**4. RESOLUTION NO. 2005-271** - CHANGING THE SPECIAL TAX

**5. BILL NO. B-70 - ORDINANCE NO. 2005-72** - AMENDING ORDINANCE NO. 2004-126 AND LEVYING THE AMENDED SPECIAL TAX

President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, stated it was unfair to take money from the poor.

Upon call, no one else wished to be heard and President Dages closed the hearing.



On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-268, 2005-269, 2005-270 and 2005-271 hereby adopted, and the above entitled Bill No. B-70 adopted as Ordinance No. 2005-72, by the following vote:

**145-266**

**6/28/05**

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(10:35 A.M.)** CONTINUED HEARING ON CHANGE OF SERVICES FOR TRACT NO. 4983, ANNEXATION NO. 31, CFD NO. 2  
**1. RESOLUTION NO. 2005-272** - AUTHORIZING THE LEVY OF AN AMENDED SPECIAL TAX AND SETTING AN AMENDED APPROPRIATIONS LIMIT  
**2. RESOLUTION NO. 2005-273** - CALLING A SPECIAL MAILED-BALLOT ELECTION  
**3. RESOLUTION NO. 2005-274** - DECLARING ELECTION RESULTS  
**4. RESOLUTION NO. 2005-275** - CHANGING THE SPECIAL TAX  
**5. BILL NO. B -71 - ORDINANCE NO. 2005-73** - AMENDING ORDINANCE 2002-56 AND LEVYING THE AMENDED SPECIAL TAX

President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, spoke in opposition stating this was illegal.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Boyajian, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-272, 2005-273, 2005-274 and 2005-275 hereby adopted, and the above entitled Bill No. B-71 adopted as Ordinance No. 2005-73, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(10:40 A.M.)** CONTINUED HEARING ON CHANGE OF SERVICES FOR TRACT NO. 4598, ANNEXATION NO. 61, CFD NO. 2  
**1. RESOLUTION NO. 2005-276** - AUTHORIZING THE LEVY OF AN AMENDED SPECIAL TAX AND SETTING AN AMENDED APPROPRIATIONS LIMIT  
**2. RESOLUTION NO. 2005-277** - CALLING A SPECIAL MAILED-BALLOT ELECTION  
**3. RESOLUTION NO. 2005-278** - DECLARING ELECTION RESULTS  
**4. RESOLUTION NO. 2005-279** - CHANGING THE SPECIAL TAX  
**5. BILL NO. B-72 - ORDINANCE NO. 2005-74** - AMENDING ORDINANCE NO. 2004-126 AND LEVYING THE AMENDED SPECIAL TAX

President Dages announced the time had arrived to consider the issue and opened the hearing. Senior Engineering Technician Paff gave an overview of the issue as contained in the staff report as submitted and recommended approval.

Barbara Hunt, 2475 S. Walnut, questioned why these were not being done city-wide or in the 93706 area.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Mr. Paff responded briefly to questions of Councilmember Westerlund relative to whether the south side of Butler east of Armstrong would be landscaped and how it would be maintained.

On motion of President Dages, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution

Nos. 2005-276, 2005-277, 2005-278 and 2005-279 hereby adopted, and the above entitled Bill No. B-72 adopted as Ordinance No. 2005-74, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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145-267

6/28/05

**(10:45 A.M.)** CONTINUED HEARING ON PLAN AMENDMENT NO. A-03-05, REZONE APPLICATION R-03-30, CONDITIONAL USE PERMIT (CUP) NO. C-03-82, AND ENVIRONMENTAL FINDINGS, FILED BY DERREL'S MINI STORAGE, PROPERTY LOCATED ON THE NORTHEAST CORNER OF N. TEMPERANCE AND THE E. DAKOTA AVENUE ALIGNMENT IN COUNCIL DISTRICT 4

1. CONSIDER AND ADOPT E.A. NO. A-03-05, R-03-30, C-03- 82, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION
2. **RESOLUTION NO. 2005-280** - AMENDING THE FRESNO GENERAL PLAN AND McLANE COMMUNITY PLAN
3. **RESOLUTION NO. 2005-281** - APPROVING CUP NO. C-03-82
4. **BILL NO. B-73 - ORDINANCE NO. 2005-75** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AE-20 TO S-L/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Brock gave an in-depth review of the issue, all as contained in the staff report as submitted, and recommended approval.

Speaking to the issue were: Bill Robinson, 2344 E. Tulare, representing Derrel's Mini Storage, who spoke further to the project; Barbara Hunt, 2475 S. Walnut, who spoke to the need for LAFCO and the KRCD to be present as they were involved; and Paul Ridenour, 3265 W. Ashlan, who requested Council's support.

Upon call, no one else wished to be heard and President Dages closed the hearing.

Ms. Brock responded to questions/comments of Councilmember Boyajian relative to the project being near Clovis, if impacts would be shared, signalization issues, widening of Temperance, the build-out of Dakota, access/entrance to the facility **(4 - 0)**, developer contributions to the Temperance/Dakota signal, and a road going through half the property.

Councilmember Westerlund stated he does not generally support changes to the general plan but he would support this one as the case was made, and presented questions relative to Dakota alignment development plans and flood control issues/plans.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the environmental finding of a Mitigated Negative Declaration prepared for E.A. No. A-03-05/R-03-030/C-03-082, dated December 15, 2004, hereby approved, the above entitled Resolution Nos. 2005-280 and 2005-281 hereby adopted, and the above entitled Bill No. B-73 rezoning the subject property adopted as Ordinance No. 2005-75, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

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**(11:00 A.M.)** CONTINUED HEARING ON P.A. NO. A-04-09, REZONE APPLICATION NO. R-04-29, CONDITIONAL USE PERMIT APPLICATION NO. C-04-71, AND ENVIRONMENTAL FINDINGS, FILED BY DERREL'S MINI STORAGE, PROPERTY LOCATED ON THE SOUTH SIDE OF W. SHAW BETWEEN N. POLK AND N. HAYES AVENUES - APNs 311-140-34 AND -35 LOCATED IN DISTRICT 2

1. CONSIDER AND ADOPT E.A. NO. A-04-09/R-04-29/C-04-71, DETERMINATION OF INITIAL STUDY TO FILE A MITIGATED NEGATIVE DECLARATION
2. **RESOLUTION NO. 2005-282** - AMENDING THE FRESNO GENERAL PLAN AND WEST AREA COMMUNITY PLAN
3. **RESOLUTION NO. 2005-283** - APPROVING CUP NO. C-04-71
4. **BILL NO. B-74 - ORDINANCE NO. 2005-76** - AMENDING THE HIGHWAY CITY NEIGHBORHOOD SPECIFIC PLAN
5. **BILL NO. B-75 - ORDINANCE NO. 2005-77** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-2/UGM AND C-6/UGM TO S-L/UGM

President Dages announced the time had arrived to consider the issue and opened the hearing. Planner Brock gave in-depth review of the issue, all as contained in the staff report as submitted, submitted a letter from Caltrans stating they accepted the traffic counts provided by the applicant, a copy of which is on file in the office of the city clerk, and recommended approval.

Speaking to the issue were the applicant representative who stated he agreed with staff's report and recommendation, and Barbara Hunt, 2475 S. Walnut.

**145-268**

**6/28/05**

Upon call, no one else wished to be heard and President Dages closed the hearing.

Ms. Brock and Planning & Development Director Yovino responded to questions of Councilmembers Boyajian and Calhoun relative to developer contributions to Polk/Shaw and Hayes/Shaw signals/improvements, widening of Shaw at the site, nearby residential buffer, if ingress/egress would be on Shaw, how this project fit the mini-storage workshop plan, if any objections were filed throughout the process, the setback issue, and the planning commission hearing on self-storage facilities.

On motion of Councilmember Calhoun, seconded by Councilmember Westerlund, duly carried, RESOLVED, the environmental finding of a Mitigated Negative Declaration prepared for E.A. No. A-04-09/R-04-029/C-04-071, dated May 4, 2005, hereby approved, the above entitled Resolution Nos. 2005-282 and 2005-283 hereby adopted, and the above entitled Bill Nos. B-74 and B-75 adopted as Ordinance Nos. 2005-76 and 2005-77, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

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**(4) CLOSED SESSION:**

**(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAME: CITY OF FRESNO V. GERALD J. GRUDZEN**

**(B) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:**

1. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) - BASIC UNIT
2. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) - MANAGEMENT UNIT

The City Council met in closed session in Room 2125 at the hour of 11:30 a.m. to consider the above matters and recessed for lunch thereafter.

**LUNCH RECESS - 11:55 A.M. - 2:05 P.M.**

**(2:00 P.M.) CONTESTED CONSENT CALENDAR:**

**(1-A) APPROVE APPLICATION FOR FY 2005 ASSISTANCE TO FIREFIGHTERS - STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE ("SAFER") GRANT PROGRAM, ISSUED THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY/OFFICE OF DOMESTIC PREPAREDNESS, AND AUTHORIZE THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS**

**1. RESOLUTION NO. 2005-284 - AUTHORIZING APPLICATION FOR GRANT FUNDING AND COMPLETION OF DOCUMENTS FOR THE "SAFER" PROGRAM**

Upon the request of Councilmember Westerlund, Chief Bruegman explained the structure and how the funding would work and responded to questions relative to when the city would have to pick up the cost for the firefighters.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2005-284 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes	:	None
Absent	:	None

**(1-C) RESOLUTION - 98<sup>TH</sup> AMENDMENT TO AAR 2004-209 APPROPRIATING \$824,400 FOR PAYMENT OF DEBT SERVICE ON THE 2004 TAX AND REVENUE ANTICIPATION NOTES**

Interim Assistant City Manager Quinto advised after the item was pulled from the consent calendar it was determined it had been scheduled in error as the appropriations were already included in the FY 2005 budget and the item was removed from the agenda.

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**145-269**

**6/28/05**

**PUBLIC COMMENT - UNSCHEDULED COMMUNICATION (RE-OPENED):**

APPEARANCE BY CHARLIE WATERS REGARDING FUNDING FOR THE VETERANS PARADE AND THE LEGION OF VALOR MUSEUM

Appearance made **(5 - 0)** with Councilmember Sterling clarifying issues relative to her motion and the error originally made, stated it was never her intent to cut out the funding, spoke to the Steward Program and lack of information on it until reading about it in the Fresno Bee, and stated Council needed to be given information ahead of time so they can make sound decisions.

APPEARANCES BY JACK CLIMER, JUDGE ADVOCATE FOR THE STATE AMERICAN LEGION DEPARTMENT; ART HILL, DIRECTOR OF LEGION OF VALOR MUSEUM; WILLIAM MELTON; AND DONALD BLACK, SR. REGARDING SUPPORT FOR FUNDING FOR THE VETERANS PARADE AND THE LEGION OF VALOR MUSEUM

Appearances made.

APPEARANCE BY ALLEN RICHARDSON REGARDING SUPPORT FOR AN INDEPENDENT POLICE AUDITOR (IPA)

Appearance made.

APPEARANCE BY JACKIE PARKS REGARDING IMAGINE 21 TRAINING AND THE INDEPENDENT POLICE AUDITOR (IPA)

Mr. Parks suggested Council re-look at the funds allocated for Imagine 21 training stating although good information was provided the training was not directly related to work, and spoke in opposition to the IPA stating the city already had a citizen review board which was the City Council.

APPEARANCE BY ENRIQUE READE, HUMAN RELATIONS COMMISSION (HRC) MEMBER, REQUESTING HRC FUNDING NOT BE CUT

Appearance made.

APPEARANCE BY GLORIA HERNANDEZ, 3232 E. HEDGES, AND JOSEPH MELTON, 5562 W. RIVERBOTTOM **(6 - 0)**, IN SUPPORT OF AN INDEPENDENT POLICE AUDITOR (IPA)

Appearances made.

City Manager Souza responded to Councilmember Sterling's comments on the City Steward Program and clarified the program was discussed in the parks & recreation budget and was included in the Mayor's Budget Letter.

**COUNCIL DISCUSSION ON VARIOUS BUDGET MATTERS**

Councilmember Boyajian reiterated there was never any intent to cut funding for the Veterans Parade and Legion of Valor Museum and clarified Councilmember Sterling's motion only dealt with the funding process.

Councilmember Boyajian made a motion to eliminate funding for Imagine 21 training, which motion was seconded by Councilmember Sterling. City Attorney Montoy advised the motion was impermissible at this time and stated that motion needed to be made later at the budget hearing.

Councilmember Sterling responded to Mr. Reade's comments on the HRC funding issue and to Mr. Parks' comments, and spoke to the IPA issue stating she was supportive of an IPA and would always champion that.

Councilmember Duncan presented questions relative to what the savings would be if the Imagine 21 program was terminated, if the program was an investment in employees, and what the training accomplished, with Interim Assistant City Manager Quinto and City Manager Souza responding. Councilmember Boyajian spoke further to Imagine 21 stating there was a double standard with management and there were a lot of employees who did not support the training, with Mr. Souza stating he disagreed with Councilmember Boyajian's broad general statements and explained.

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**145-270**

**6/28/05**

**(2:30 P.M. #1)** CONTINUED HEARING TO CONSIDER A RESOLUTION OF PUBLIC USE AND NECESSITY FOR THE ACQUISITION OF FEE TITLE FOR THE DEVELOPMENT OF PUMP STATION 61A ON PROPERTY LOCATED ON THE SOUTH SIDE OF BUTLER BETWEEN CEDAR AND CHANCE AVENUES OWNED BY HANOIANS, INC. - APN 471-070-05 (DISTRICT 5)

**1. RESOLUTION NO. 2005-285** - DETERMINING PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION OF THE WELL SITE WITHIN THE PARCEL AND AUTHORIZING EMINENT DOMAIN PROCEEDINGS AS PROVIDED BY THE CALIFORNIA CODE OF CIVIL PROCEDURE

President Dages announced the time had arrived to consider the issue and opened the hearing. Supervising Real Estate Agent Balch gave an overview of the issue, all as contained in the staff report as submitted, and recommended the resolution be adopted.

Upon call, no one wished to be heard and President Dages closed the hearing.

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, **RESOLVED**, the above entitled Resolution No. 2005-285 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(2:30 P.M. #2)** JOINT MEETING WITH THE REDEVELOPMENT AGENCY

The City Council recessed their meeting at 3:04 p.m. and convened in joint session with the Redevelopment Agency.

APPROVE AGENCY MINUTES OF JUNE 14, 2005

On motion of Councilmember Duncan, seconded by President Dages,, duly carried, **RESOLVED**, the Agency minutes of June 14, 2005, approved as submitted.

**(A)** APPROVE COOPERATION AGREEMENT BETWEEN THE CITY OF FRESNO AND THE REDEVELOPMENT AGENCY (COUNCIL ACTION)

**-and-**

**(B)** APPROVE AN AT-WILL AGREEMENT APPOINTING MARLINE MURPHEY AS EXECUTIVE DIRECTOR (AGENCY ACTION)

Vice Chair Westerlund presented the agreements for approval, thanked the city manager and city attorney offices for all their assistance and work on the matters, \*amended #2 on Page 3 of the cooperation agreement by adding the word "*limited*" in two places, \*amended the At-Will Agreement to make Ms. Murphey's salary retroactive to the date the Agency Board appointed her to the Executive Director position, and noted the Committee worked closely with the City administration on the cooperation agreement and stated he felt a new level of cooperation would now be seen that hadn't existed before. Chair Boyajian also thanked the administration, Vice Chair Westerlund, and the city manager for all their work on the issue. A motion and second was made to approve the two agreements.

Councilmember Calhoun presented questions, comments and concerns at length including who would supervise Ms. Murphey, how the work arrangement would work, the legality of the work arrangement based on Calpers' decision, the inconsistencies, if Ms.

Murphey could have retired from the City and then been hired by the Agency to make the process "clean", **(7 - 0)** concerns with the process and *not* Ms. Murphey's integrity and work ability, and concern that a problem may arise down the road, with Vice Chair Westerlund, City Manager Souza and City Attorney Montoy responding and clarifying issues throughout.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, the Cooperation Agreement and the At-Will Employment Agreement with Marlene Murphey hereby approved, *\*as amended and verbalized above by Vice Chair Westerlund*, by the following vote:

Ayes	:	Dages, Duncan, Perea, Sterling, Westerlund, Boyajian
Noes	:	Calhoun
Absent	:	None

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145-271

6/28/05

The joint bodies adjourned their meeting at 3:21 p.m. and the City Council reconvened in regular session.

**(2:30 P.M. #3) COUNCIL CONSIDERATION, DELIBERATION AND ACTION ON THE FY 2005-06 CITY OF FRESNO BUDGET**

**1. CONSIDERATION AND ACTION ON MOTIONS**

**2. RESOLUTION - ADOPTING THE FY 06 CITY OF FRESNO BUDGET, INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET AND THE ANNUAL APPROPRIATION RESOLUTION (AAR)**

**3. RESOLUTION - ADOPTING THE POSITION AUTHORIZATION RESOLUTION (PAR)**

**4. RESOLUTION - ADOPTING THE 431<sup>ST</sup> AMENDMENT TO MASTER FEE SCHEDULE (MFS) RESOLUTION NO. 80-420 REGARDING THE FOLLOWING:**

**a. Fire Department fees**

**b. Parks, Recreation and Community Services Department - Community Sports Teams**

**c. Planning and Development Department fees**

**d. Transportation - Airports fees**

**5. BILL (FOR INTRODUCTION AND ADOPTION) - ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE**

**6. RESOLUTION - SELECTION OF METHODOLOGY FOR DETERMINATION OF FY 2005-2006 GANN APPROPRIATION LIMIT**

**7. RESOLUTION - FISCAL YEAR 2005-2006 SALARY RESOLUTION**

**8. RESOLUTION - APPROVING SUBMISSION OF THE FY 2006 ANNUAL ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) FOR USE OF CDBG, HOME INVESTMENT PARTNERSHIPS (HOME), EMERGENCY SHELTER GRANT (ESG), AND AMERICAN DREAM DOWN-PAYMENT INITIATIVE (ADDI) PROGRAM FUNDS, AND AUTHORIZING THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS REQUIRED BY HUD**

President Dages announced the time had arrived to consider the issue and after the following discussion advised the public hearing was officially closed on June 23, 2005, and Council would now deliberate and take necessary actions.

Councilmember Duncan requested #4, the Master Fee Schedule Resolution amendment, be delayed until the next meeting since the data was just received. City Manager Souza stated in light of the timing staff was supportive of delaying action on #4-a only, the Fire Department fees, until July 19<sup>th</sup>, with City Attorney Montoy clarifying the Resolution would be adopted, *as amended*, without the Fire Department aspects and Councilmember Duncan reiterating the specific changes were just received this date and time was needed to review that information. Brief discussion ensued.

**(A-1.) CONSIDERATION AND ACTION ON MOTIONS**

Councilmember Calhoun advised he neglected to make a motion during the economic development department presentation, spoke to his work with the Federal Technology Center and advised the center dealt with training small businesses who want to access national technology labs and federal government labs to obtain products and ideas to market, and stated two workshops had been held in Fresno and the Center was requesting \$5,000 to continue offering workshops on technology transfer and to work with the City's economic development department and made the following motion:

**ADDED MOTION** - Calhoun/Boyajian - APPROPRIATE \$5,000 TO CONTRACT WITH THE FEDERAL TECHNOLOGY CENTER TO PROVIDE WORKSHOPS. FUNDING SOURCE: ECONOMIC DEVELOPMENT DEPARTMENT \$120,000 LINE ITEM FOR THE EDC

Councilmember Calhoun spoke to conservative tax revenue projections and excess tax revenues and made the following motion:

**ADDED MOTION** - Calhoun/Dages - DIRECT STAFF TO ESTABLISH AN "EXCESS REVENUE ACCOUNT" TO INCLUDE ALL GENERAL FUND TAX REVENUES COLLECTED BY THE CITY OF FRESNO WHICH ARE IN EXCESS OF PROJECTIONS AND ARE UNAPPROPRIATED. CONTROLLER SHALL PROVIDE COUNCIL WITH QUARTERLY UPDATES ON STATUS AND BALANCE OF THE ACCOUNT

Councilmember Calhoun spoke to the report released April 9<sup>th</sup> on the cell phone usage audit that was conducted and the resulting policy recommendations and financial savings (projected at \$260,000 to \$392,000 annually) recommendations that were made, and made the following motion:

**ADDED MOTION** - Calhoun/Perea - IMPLEMENT SOME OF THE RECOMMENDATIONS OF THE CELL PHONE USAGE AUDIT AND APPLY SAVINGS TO THE TREE-TRIMMING CONTRACT.

**145-272**

**6/28/05**

**CITY ACCEPTANCE OF CREDIT CARDS TO PAY FOR SERVICES AND BILLS - COUNCILMEMBER CALHOUN**

Councilmember Calhoun spoke to the issue of the City allowing the use of credit cards to pay bills and the high cost/transaction fees associated with that service that the City is absorbing (estimated at about \$500,000 annually), and stated he wanted that fee passed on to the payers/those receiving city services and requested Council consider the matter in this budgeting process. City manager Souza advised staff had looked into the issue of charging a convenience fee for using credit cards and asked that Council direct staff to bring back an analysis on the issue and explained, and added staff could return with a report in August, which Councilmember Calhoun accepted.

**MOTION #13** - Calhoun/Duncan - DEFUND THE PALM LAKES GOLF COURSE PROJECT

Councilmember Westerlund requested 90 days be given before implementing the above, advised a meeting was held with the Palm Lakes folks and stated he was in the process of developing a short to long-term action plan with Assistant City Manager Ruiz on how to address issues, and made the following motion, providing Motion #13 passes:

**ADDED MOTION #13-A** - Westerlund/Duncan - DELAY IMPLEMENTING THE DEFUNDING OF THE PALM LAKES GOLF COURSE PROJECT FOR 90 DAYS

**ADDED MOTION** - Boyajian/Sterling - DEFUND THE IMAGINE 21 TRAINING PROGRAM WITH THE SAVINGS TO GO BACK TO DEPARTMENTS.

Councilmember Boyajian made the above motion for department cost savings; spoke in support of the credit-card issue; and requested staff look at an improved way of collecting overdue utility bills that are sent to collections and explained, with Mr. Souza responding.

Councilmember Sterling stated she felt Councilmember Boyajian's Imagine 21 motion needed to be more specific relative to the savings, stated the in-lieu fee refund issue needed to be addressed, and made a motion to defund the Imagine 21 Training Program with the funds to be placed in an account or go towards in-lieu fee refunds. Councilmember Boyajian stated he preferred that the funds to go back to departments as they know how to best spend the money and brief discussion ensued, with Mr. Souza responding to questions and clarifying issues. Upon call, Councilmember Sterling's motion died for lack of a second.

**MOTION #1** - USE EXECUTIVE ASSISTANT SALARY TO LEVERAGE FUNDS FOR FIRE STATION FURNITURE AND MOVE SALARY TO FURNITURE ACCOUNT (EFFECTIVE JANUARY 6, 2006)

Councilmember Duncan advised the list of furniture needs was received and stated with approval of this motion and with the extra salary he will be receiving as Council President there was a very good chance the entire list could be fulfilled at no extra cost to the taxpayer. Councilmember Calhoun stated he wished the funds had not been targeted for fire station furniture as there were a lot of needs city/department-wide, and added by approving this motion the message will be sent that the fire department is more important than other departments.

President Dages stated Councilmember Duncan will find out he is going to need the executive analyst position while serving as Council President and added he will be expecting the same level of service that he has provided as President.

On motion of Councilmember Duncan, seconded by Councilmember Boyajian, duly carried, RESOLVED, Motion #1 hereby approved, by the following vote:

Ayes : Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : Boyajian, Calhoun  
 Absent : None

**MOTION #2** - MOVE \$35,000 OF HUMAN RELATIONS COMMISSION (HRC) FUNDS TO PARKS, RECREATION & COMMUNITY SERVICES DEPARTMENT TO OVERSEE THE MARTIN LUTHER KING, JR. AND CESAR CHAVEZ PROGRAMS/EVENTS

Briefly reviewed by Councilmember Duncan who stated this would move the funds to parks & recreation for proper oversight and added the city manager was supportive of this move. Councilmember Sterling stated she saw no problem as long as the department is respectful of the HRC due to their experience and added the HRC still wanted to work on the events, with Mr. Souza responding.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, Motion #2 hereby approved, by the following vote:

145-273

6/28/05

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : Boyajian  
 Absent : None

**MOTION #3** - DELETE PURCHASE OF OPHELIA PROPERTY FROM THE BUDGET

President Dages stated the City of Fresno did not need to be in the hotel business, expressed concern with the cost to purchase the land, stated it was a proven fact these projects fail, stated if the private sector was interested they would build the hotel, advised the Hotel-Motel Association did not support a hotel, and stressed this was a misappropriation of taxpayer dollars, the hotel would not work, and requested Council support his motion.

Lengthy discussion ensued. Councilmember Calhoun acknowledged there was a difference in the appraisal and purchase price but stated the issue was the City wanted and needed to own the land (**8 - 0**) this was a small prudent step to invest in land it needed to own, added value would increase, and stated the decision to build hotel there was an issue to be decided upon later. Councilmember Westerlund stated it made good business sense to purchase the land and explained, clarified at issue was a land purchase and *not* funding for a hotel, and spoke to the good things happening downtown and stressed the city needed to take control of the property. Councilmember Perea stated he was not sure this was a good investment, he believed a hotel should be built on the site but his challenge was spending \$89 million on a hotel, and stated the purchase was related to the hotel and he could not support that. Mr. Souza clarified issues relative to the Hotel-Motel Association's letter and the information the City analyzed, the Mayor's commitment to having a hotel on the site but *not* to the City building it, the benefit of the City having the ability to begin discussions/negotiations with private sector companies if it owns this property that is in the Empowerment Zone, and the problem of the City losing conventions due to lack of hotel space. Councilmember Boyajian stated the City was in the hotel business citing it's help with the Radisson Hotel, stated the stadium was a catalyst for downtown revitalization even though it was not making much money at this time, and stressed the purchase of this property was a piece of the downtown revitalization puzzle. Councilmember Duncan stressed this was about property acquisition and *not* a hotel, clarified the intent was to have a hotel there but that did not mean the City would be investing \$89 million on a hotel, stated he believed the market was there and added if the City acquires the property and puts out a good RFP an investor would be found, and stated purchasing the property would get the City out of a stumbling block. President Dages stated it was obvious the intent was for a hotel and there was no demand for that, noted this matter failed originally on a 4-3 vote and expressed concern that this was added to the budget because it only needed four votes, relative to the recent convention lost stated one event would not support a hotel, and acknowledging this purchase would go forth apologized to the taxpayers.

A motion of President Dages, seconded by Councilmember Perea, to approve Motion #3 failed, by the following vote:

Ayes : Perea, Sterling, Dages



Noes : Boyajian, Calhoun, Duncan, Westerlund  
 Absent : None

**MOTION #4** - DEFUND \$180,000 FOR THE INDEPENDENT POLICE AUDITOR (IPA)

Councilmember Duncan noted IPA proponents speak to San Jose being a model city due to their IPA but stated a San Jose newspaper reported five fatal police officer shootings last year, also clarified San Jose had a 5.5% unemployment rate which results in less public/police interaction, relative to the claim that the police department paid out over \$2.8 million in lawsuits pointed out the city's solid waste division paid out almost \$3.6 million in lawsuits, and stated the problem was not to the scope where this radical change needed to be made and stated methods were in place to deal with issues and police complaints even though they may not be perfect.

Councilmember Sterling spoke to her district's high unemployment and homeless rates, to the lack of funds for programs to help the jobless and homeless which leads to crime, and to the respect for the police department but stated an IPA was a comforting thought to the community. Councilmember Boyajian acknowledged there were a lot of good police officers but clarified the community just wanted an intermediary, stated trust and accountability were important issues and elaborated, and stated an IPA would enhance the department and questioned what there was to be afraid of. Councilmember Westerlund stated he would support the motion at this time but would keep his mind open for the future.

City Manager Souza stated the Mayor's proposal for an IPA for a second year had been taken out of context, clarified the administration saw this as an opportunity to create an independent second set of eyes to look at difficult situations, and stated this was not about a radical civilian police board but was about a simple process that would provide a check and balance for unfortunate events and explained.

**145-274**

**6/28/05**

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, Motion #4 hereby approved, by the following vote:

Ayes : Calhoun, Duncan, Perea, Westerlund, Dages  
 Noes : Boyajian, Sterling  
 Absent : None

**MOTION #5** - FUND \$70,000 FROM THE GENERAL FUND TO PAY LIABILITY INSURANCE FOR STORYLAND/PLAYLAND FOR ONE ADDITIONAL YEAR

Councilmember Duncan clarified he would not be doing this again next year, stated this was short-term help and he did not want this to be perceived as an entitlement, requested staff commit to finding a long-term solution, stated if this motion fails Playland and Storyland would have to close as there would be no insurance, and stated he wanted options to be looked at and requested support for one more year to find a long-term answer.

Councilmember Calhoun stated he was appreciative of the letter Risk Management sent to the director of Storyland/Playland asking a number of questions and upon his question City Manager Souza stated staff and the Mayor had a serious concern that this not become an on-going funding issue when it was approved last year, and advised Storyland/Playland's safety audit or business plan had not yet been received and it was needed as a minimum before staff could recommend funding the additional \$70,000. Councilmember Calhoun agreed and stated he was not prepared to support this motion without that information, noted Storyland/Playland already had a warning, and stated he also could not support something with no funding source identified. Councilmember Duncan stated funds from the IPA would be used as those dollars would be going back into the general fund, with Councilmember Calhoun stating that was not stated as part of the motion.

Councilmember Sterling spoke to the success of Measure Z to fund the Zoo, to how Storyland and Playland were part of Roeding Park just like the Zoo was, and to the transition that was taking place, spoke to the challenges and stated he would support this for one more year, and added she wanted to see what parks & recreation staff could do to help address this problem and she hoped Council would support the motion. Councilmember Westerlund stated he would support it due to the public benefit but only this one time, and spoke briefly to the City covering the insurance and liability issues. Councilmember Duncan stated he made this motion very reluctantly but he felt it would be a real tragedy for the children and the community if the City did not take this chance and opportunity to find an answer. Councilmember Calhoun added he also had a problem with a letter recently received dated May 24<sup>th</sup> asking for \$80,000 stating it should have been sent six months ago.

On motion of Councilmember Duncan, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #5 hereby approved, by the following vote:

Ayes : Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : Boyajian, Calhoun  
 Absent : None

**MOTION #6 - (A)** APPROPRIATE \$1,831,900 IN ISD'S SYSTEM ACQUISITION & MAINTENANCE FUND FOR THE ACQUISITION OF KRONOS AND COGNOS SOFTWARE SYSTEMS AND RELATED IMPLEMENTATION COSTS AS FOLLOWS: \$1,654,400 FOR COMPUTER SOFTWARE, \$143,000 FOR EQUIPMENT, AND \$34,500 FOR PROFESSIONAL SERVICES; AND **(B)** INCREASE THE SYSTEM ACQUISITION & MAINTENANCE FUND REVENUES BY THE FOLLOWING: \$1,331,900/LOAN PROCEEDS AND \$500,000/TRANSFER FROM FUND BALANCE

Briefly reviewed by Councilmember Duncan. Councilmember Boyajian spoke in opposition stating it was very irresponsible to spend \$1.6 million on a program that never had a needs assessment or discussion on cost recovery and further elaborated **(9 - 0)**.

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, Motion #6 hereby approved, by the following vote:

Ayes : Duncan, Perea, Westerlund, Dages  
 Noes : Boyajian, Calhoun, Sterling  
 Absent : None

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**RECESS - 4:59 P.M. - 5:12 P.M.**

**MOTION #7** - MOVE \$268,000 FROM THE LIFE SKILLS PROGRAM TO UNIDENTIFIED PROGRAM (*Modified by replacing "TO UNIDENTIFIED PROGRAM" with "TO HELP FUND THE UNIVERSAL HIRING PROGRAM"*)

Councilmember Calhoun stated even though the City just dug itself out of an \$8 million hole priorities needed to be thought about, he did not think education programs were a priority, he felt the Police Chief could be creative and use/move the seven Life Skills instructors around the various middle schools, and citizen safety was first and foremost, and spoke to the Mayor's contingency plan and modified his motion as noted above to prohibit a delay in hiring the additional 17 officers and to get them on the street faster. City Manager Souza clarified there would be no delay in hiring the UHP officers and explained, and spoke to the importance of intervention and stated the Life Skills program was a valuable investment and explained.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to approve Motion #7 failed, by the following vote:

Ayes : Calhoun  
 Noes : Boyajian, Duncan, Perea, Sterling, Westerlund, Dages  
 Absent : None

**MOTION #8** - REALLOCATE \$200,000 FROM THE "FAITH-BASED" GRAFFITI PROGRAM (*WITHDRAWN*)

*-and-*

**MOTION #27** - REALLOCATE \$200,000 FROM THE "FAITH-BASED" GRAFFITI PROGRAM TO THE VOLUNTEER CENTER

*-and-*

(*MOTION #11 - FUND THE COMMUNITY SANITATION DIVISION'S "ILLEGAL DUMPING" CLEANUP OPERATION WITH \$100,000*)

Reviewed by Councilmember Boyajian who spoke in support of Motion #27 and to the proposal submitted by the Volunteer Center, noted the Center could do the job for half the price and stated the other half could go to cleanup/weed abatement (Motion #11), stated the Mayor's program was vague relative to implementation, and urged support for Motion #27 stating it would allow anyone who wants to participate. City Attorney Montoy recommended Council vote on all three motions since Councilmember Boyajian spoke to all of them.

Councilmember Sterling spoke to the need to careful in handling faith-based issues and questioned how the funds would be used and allocated to the organizations stating there was no detailed explanation. Councilmember Calhoun stated Motion #8 was too narrow and not clear on where the money would go, stated Motion #11 was a horse of a different color and needed to be considered separately, and spoke in support of Motion #27 stating there was a committed organization that knows how to work with volunteers and added anyone could participate. City Manager Souza stated the Volunteer Center would bring value to the process but it did not have to be at the expense of the faith-based program, stated the issue was getting resources down into the community where it was most needed and where people are in the neighborhoods on a daily basis, and stated the Volunteer Center could compliment what the Mayor was proposing and the two could go hand in hand but he not want to pit one group against another.

Councilmember Boyajian withdrew Motion #8 stating Motion #27 made it moot.

A motion of Councilmember Boyajian, seconded by Councilmember Calhoun, to approve Motion #27 failed, by the following vote:

Ayes : Boyajian, Calhoun, Sterling  
 Noes : Duncan, Perea, Westerlund, Dages  
 Absent : None

**MOTION #11** - FUND THE COMMUNITY SANITATION DIVISION'S ILLEGAL DUMPING CLEANUP OPERATION WITH \$100,000  
 (CHANGED TO DIRECTION TO STAFF)

Councilmember Boyajian spoke to the need to fund the operation and to how important this cleanup was to his district and added he would hate to see the operation defunded.

Councilmember Calhoun questioned how the funds could come from public utilities, what \$100,000 would do, if funds coming from public utilities was legal (**10 - 0**), what else would be done that was not currently being done, and exactly where the \$100,000 would come from, with City Attorney Montoy, City Manager Souza and Councilmember Boyajian responding.

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Discussion continued. Mr. Souza, Public Utilities Director Weimiller and Councilmember Boyajian responded to questions of Councilmembers Perea and Duncan relative to this year's budget and what was happening with illegal dumping, if response to Council service request calls would still occur, amount of funds needed yearly for the operation, what will be defunded if the motion passes, if staff could be directed to report back with proposals/options/recommendations, and if the motion-maker would consider changing the motion to *direction* to staff. Councilmember Boyajian changed his motion to direction and stressed illegal dumping was a very important issue in his district and the service needed to be kept.

On motion of Councilmember Boyajian, seconded by Councilmember Sterling, duly carried, RESOLVED, staff directed to report back with a proposal and options for illegal dumping cleanup, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**MOTION #9** - ALLOCATE \$5,000 TO REPLACE NEIGHBORHOOD WATCH SIGNS (*Modified by deleting "WITH A MYLAR VERSION"*)

Councilmember Westerlund amended the motion to replace the signs with whatever material was best, and along with City Manager Souza responded briefly to questions of Councilmembers Perea and Calhoun relative to what \$5,000 would cover, if the intent was for each Council district to use their funds, why funds were not coming out of Council infrastructure budgets, and where the funds would come from.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #9 hereby approved as modified above, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**MOTION #12** - REIMBURSE ONE (1) YEAR OF "IN-LIEU" FEES TO CITY CUSTOMERS THROUGH THEIR UTILITY BILLING  
 (WITHDRAWN)

President Dages stated the City was going to get a lawsuit on the in-lieu fee issue and it was just a matter of when, stated he wanted to see taxpayers get reimbursed, and spoke in support of his motion and stated he wanted to amend it to reimburse the fee through an application or form process, with City Attorney Montoy advising the City already had a one year claims process in place. Upon question of President Dages, City Manager Souza stated the process was available now and the public would be made aware of it.

President Dages withdrew his motion due to a refund process currently being in place.

**MOTION #13** - DEFUND THE PALM LAKES GOLF COURSE PROJECT

**-and-**

**ADDED MOTION #13-A** - (Westerlund/Duncan) - DELAY IMPLEMENTING THE DEFUNDING OF THE PALM LAKES GOLF COURSE PROJECT FOR 90 DAYS (ONLY IF MOTION #13 PASSES)

Councilmember Calhoun stated he was supportive of Motion 13-A and withdrew Motion 13. Councilmember Westerlund clarified it was up to Council as to whether they wanted to defund the project at all but stated he still needed time to look at options and requested at least three months. Councilmember Boyajian stated he would prefer to see direction to staff to report back on options/alternatives for the Seniors, with City Manager Souza responding and **(11 - 0)** adding staff strongly supported 90 days at the least and they believed there were options out there and would continue to move forward on the process. Councilmember Perea stated he would not support Motion 13A because he did not support closing the golf course at all. Councilmember Westerlund stated he would change his motion to *direction to staff* in light of Councilmember Calhoun withdrawing his motion.

On motion of Councilmember Westerlund, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to work on a long-term solution for Palm Lakes and report back in 90 days, by the following vote:

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Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund, Dages  
 Noes : Perea  
 Absent : None

**MOTION #14** - ESTABLISH SATELLITE SENIOR CENTERS IN ALL COUNCIL DISTRICTS AT A COST OF \$31,200 PER DISTRICT  
 (WITHDRAWN)

Councilmember Calhoun stated since he made this motion the decision was made on the in-lieu fees, noted he has expressed many times his concern about carrying costs forward to 2007 due to the fiscal challenges the City will be facing, and stated he would be flying in the face of his own philosophy if he went forward with this motion and withdrew it.

**MOTION #15** - INCREASE THE ENTRANCE FEE AT ROEDING PARK TO \$3.00, WITH \$1.00 OF THE INCREASE TO BE USED FOR PARK NEEDS/IMPROVEMENTS

Councilmember Calhoun stated this was a fairness issue, \$1.00 would go towards Roeding Park improvements, \$3.00 was a very reasonable entrance fee, and this was an investment in Roeding Park.

Councilmember Sterling spoke in opposition citing Measure Z and the transition going on right now at Roeding Park, noted fees were also charged at Storyland and Playland, and urged Council to give the park one year to succeed. Councilmember Duncan concurred stating this was premature adding with all that was going on right now the fee needed to be left alone. City Manager Souza stated he saw this motion not as a matter of fairness but as a matter of opportunities, stated the City needed to be in a situation where opportunity is

given to all the community to access park sites, and added there were economic realities, this was an opportunity to an economically-challenged part of the community, and staff felt keeping the fee at \$1 would continue to make park access a viable opportunity for all. Councilmember Boyajian stated Roeding Park really needed help and he saw this motion as reality and elaborated. Councilmember Sterling challenged parks and recreation staff to look at the numerous recreational facilities that should charge fees for some services but don't and explained.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to approve Motion #15 failed, by the following vote:

Ayes : Boyajian, Calhoun  
 Noes : Duncan, Perea, Sterling, Westerlund, Dages  
 Absent : None

**RECESS - 6:29 P.M. - 6:51 P.M.**

**MOTION #16** - DEFUND \$350,000 FOR THE YOUTH AND SENIOR CENTER AT ROOSEVELT HIGH SCHOOL, **AS AMENDED, TO RE-APPROPRIATE \$350,000 TO OTHER YOUTH AND SENIOR CDBG-ELIGIBLE PROGRAMS**  
*(Note - Discussed again towards the end of the meeting)*

Councilmember Calhoun stated he wanted to see programs in city-owned facilities, energies and resources are dispersed when you get into running programs at schools, and this was a highly questionable operation which had not been proven at another center, and stated to obtain more control he was amending his motion to re-appropriate \$350,000 to other Youth and Senior CDBG-eligible programs.

Extensive discussion ensued. Councilmember Boyajian spoke in support citing the many needy parks in the city, expressed his strong concern and disbelief with City money going to a facility owned by the school district, and stated there was no baseline that the program worked and further elaborated, with Parks & Recreation Director Cooper responding Councilmember Duncan commended staff for their work stating this was a was fabulous project and the kind of thing the city needed to do if they wanted to improve the life of seniors and youth **(12 - 0)**, and along with Councilmember Perea presented questions relative to what kind of reaction has been received from the seniors and when this program would be operating, with Mr. Cooper responding. Councilmember Boyajian clarified he and Councilmember Calhoun were not against any programs for seniors and he only wanted city facilities used. Mr. Cooper and City Manager Souza responded to questions and/or comments of Councilmembers Sterling and Westerlund relative to whether the money was going to the Ted C. Wills Center or Roosevelt, what the status was and why finishing the Dakota Avenue/FMAAA center was not considered, numerous questions on the Roosevelt program, when department heads will be "brought up to speed" on what is going on so Council can make informed decisions, and numerous questions on the

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Ted C. Wills center program including when building construction will begin, number of seniors/young adults that will be serviced, if staff will be able to work with the large number of youth, and if the facility will be able to accommodate them. Councilmember Westerlund stated he would support the motion until he sees how the Ted C. Wills project actually works/operates. President Dages commended staff for realizing that Roosevelt could act as a community center, noted the program would affect youth in three different council districts, and stated this was a good program and was needed.

On motion of Councilmember Calhoun, seconded by Councilmember Boyajian, duly carried, RESOLVED, Motion #16 hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Sterling, Westerlund  
 Noes : Duncan, Perea, Dages  
 Absent : None

(Discussed again later.)

**MOTION #17** - ALLOCATE \$110,000 REMAINING FROM THE ORIGINAL \$180,000 FOR THE INDEPENDENT POLICE AUDITOR (IPA) FOR FIRE APPARATUS LEASE PAYMENTS

Councilmember Perea spoke briefly to the need for the apparatus and clarified the funding. Chief Bruegman and Interim City Manager Quinto responded to questions of Councilmember Westerlund relative to what the level of need was, what was currently imbedded in the budget, what would be leased, consequence if the motion fails, if the funds would go only towards leasing, if this would be a lease-to-own, if approval would eliminate equipment next year, and number of vehicles to be purchased in the second and third years.

On motion of Councilmember Perea, seconded by President Dages, duly carried, RESOLVED, Motion #17 hereby approved, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : Boyajian  
 Absent : None

(NO MOTION #18)

**MOTION #19** - MOVE THE TRAFFIC OPERATIONS CENTER (TOC) FROM PUBLIC WORKS TO THE TRANSPORTATION DEPARTMENT (*changed to direction to staff*)

Councilmember Calhoun stated the TOC being under the transportation department would be a natural fit and explained; added in fairness to public works they had a lot on their plate, they were extremely busy, and noted Council transferred the median island responsibility to them last year; reiterated the TOC fit better under transportation, he felt the department could absorb the TOC well, and they could move the synchronization program forward more smoothly and expeditiously; and stated the city manager was responsive to this. City Manager Souza stated this was consistent with where staff wanted to go, requested the motion be amended to direct staff to report back with an implementation plan adding fire and public works could be tied in, and stated he felt at this time this was premature. Councilmember Calhoun stated he was comfortable with directing staff and questioned if staff could commit to reporting back at a specific plan, whereupon Mr. Souza stated staff could report back by January 1 with an implementation plan.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, staff directed to report back by January 1, 2006, with an implementation plan to move the TOC, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**MOTION #20** - MOVE \$236,500 FROM THE PARKS & RECREATION ENRICHMENT PROGRAM AND ALLOCATE THOSE FUNDS TO SOCIAL SERVICE PROGRAMS

Councilmember Boyajian stated programs for the disabled, homeless, battered, etc. were in more need of money than the enrichment program and he believed the City needed to help people that can not help themselves and further elaborated.

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**(13 - 0)** A motion of Councilmember Boyajian, seconded by Councilmember Calhoun, to approve Motion #20 failed, by the following vote:

Ayes : Boyajian Calhoun  
 Noes : Duncan, Perea, Sterling, Westerlund, Dags  
 Absent : None

**MOTION #21** - MOVE \$500,000 OF HOME FUNDS FROM THE FIRST TIME HOME BUYERS ASSISTANCE PROGRAM TO THE (RENTAL) HOMEOWNER REHABILITATION PROGRAM

Councilmember Boyajian clarified he made the motion to move the funds to the Homeowner Rehabilitation Program and not the Rental Rehab Program, and stated there were a lot of programs offered by banks, etc. for first time home buyers and there was a huge demand for owner rehab and further elaborated.

Councilmember Perea concurred owner rehab programs were a great benefit in helping to sustain neighborhoods but stressed a balanced housing program was needed and explained this was robbing Peter to pay Paul and he was opposed. Councilmember

Calhoun concurred and pointed out a process had been followed on the Consolidated Plan and there were a lot of fingerprints on what was before Council.

Upon the request of City Manager Souza, Planning & Development Director explained issues relative to funds allocated to programs, amount spent, and why these funds were vital to the first time home buyers program.

Councilmember Sterling spoke in support of the motion stating there were a number of programs for first time home buyers that do not qualify for the city's program and elaborated further on the issue; Councilmember Boyajian also elaborated further; Councilmember Duncan spoke in opposition and urged the dollars be left alone; and Councilmember Westerlund commented and stated all the programs were good but he would stick with the original allocation.

A motion of Councilmember Boyajian, seconded by Councilmember Sterling, to approve Motion #21 failed, by the following vote:

Ayes :	Boyajian, Sterling
Noes :	Calhoun, Duncan, Perea, Westerlund, Dages
Absent :	None

**MOTION #22 - INCREASE HOUSING AUTHORITY FUNDING TO \$1.5 MILLION**

Withdrawn by Councilmember Boyajian who stated the funds would have come from Motion #21 which failed.

**MOTION #23 - APPROVE THE MAYOR'S IN-LIEU FEE CONTINGENCY PLAN AS SUBMITTED. SHOULD GENERAL FUND REVENUES COME IN HIGHER THAN EXPECTED, ADDITIONAL FUNDS TO GO TO TREE-TRIMMING OPERATIONS, AS AMENDED, BY ADDING "UP TO \$148,400"**

Briefly reviewed by Councilmember Duncan who amended the motion as noted above. Councilmember Perea stated he understood the tree-trimming caveat was there but stated it was an "if", and added he could not support the contingency plan as a whole as he could not support reducing tree-trimming which was already so far behind.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, Motion #23 hereby approved, by the following vote:

Ayes :	Calhoun, Duncan, Westerlund, Dages
Noes :	Boyajian, Perea, Sterling
Absent :	None

**MOTION #24 - ORGANIZATIONS FUNDED UNDER THE COMMUNITY INVESTMENT PROGRAM BE DEFUNDED EXCEPT FOR THE LEGION OF VALOR MUSEUM, THE VETERANS DAY PARADE, THE MANCHESTER SENIOR CENTER, RSVP AND THE VOLUNTEER CROSSING GUARD PROGRAM. THE REMAINDER OF THE FUNDS ARE TO BE REINSTITUTED UNDER A COMPETITIVE BIDDING FORMAT AS OPERATED IN FY05 (WITHDRAWN)**

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Councilmember Boyajian questioned if Councilmember Sterling would include not defunding the grant writer due to the success of that program, whereupon Councilmember Sterling stated she wanted additional information and presented numerous questions relative to the City Steward Program, the grant writer program including number of applicants, number of grants received, who applied for grants, and if the program was more successful this year, the Youth Jobs program, the RSVP program, **(14 - 0)** and the Volunteer Crossing Guard program, with City Manager Souza, Assistant Parks & Recreation Director Haynes and P & R Director Cooper responding throughout.

Councilmember Sterling withdrew her motion stating she accepted the original allocation as presented in the budget.

Councilmember Boyajian stated he liked the motion and made the same motion and included the grant writer program, which motion died for lack of a second.

**MOTION #25 - FUND \$30,000 FOR THE FUSD MEDICAL MOBILE UNIT (IN ADDITION TO \$80,000 PRIVATE CONTRIBUTION FROM GRANVILLE HOMES) (WITHDRAWN)**

President Dages reviewed the issue, spoke to the importance of the unit, and requested the city manager find the funds, whereupon P & R Director Cooper advised the school district would be covering the funds and President Dages withdrew his motion. Councilmember Calhoun noted \$350,000 of CDBG funds had been freed up for senior & youth programs and stated this would be an appropriate use if the school district finds they can not cover the funding, with President Dages clarifying there might be restrictions on the use of those CDBG funds and City Manager Souza adding if Fresno Unified can not fund the unit he would notify Council and recommend a funding source.

**MOTION #26** - APPROVE HOPE VI FUNDING OF \$600,000 TO BE USED FOR INFRASTRUCTURE IMPROVEMENTS IN WEST FRESNO (Approved 6/22/05)

City Clerk Klisch clarified the motion was made by Councilmember Duncan (not Perea) and seconded by Councilmember Westerlund (not Duncan), and was approved on June 22, 2005, on a vote of 5-0-1-1, with Councilmember Perea absent and Councilmember Sterling recused.

(MOTION #27 - Dealt with earlier with Motion #8)

**MOTION #28** - PROVIDE \$100,000 ADDITIONAL FUNDING FOR THE BANKSIDE TRIAL PROJECT TO ASSIST COMPLETION FROM VAN NESS TO WEST AVENUE - NO FUNDING SOURCE IDENTIFIED (*WITHDRAWN*)

Councilmember Boyajian stated there was confusion on the funding, stated seed money was needed, and along with Councilmember Perea presented questions relative to the current funding, funds needed, when work would begin on the initial phase, if funds were available to leverage, if funds were in a contingency account, what the total project cost would be, what \$100,000 would take care of, when work would begin, construction timeline, and specific funding source, with Public Works Director Healey responding throughout.

Councilmember Calhoun stated the Bankside Trail was a key element of the city's trail system, Council was hearing the project was very high on the department's list, the initial phase was going to start, everyone knew of the importance of the project, and staff was going to continue to go out and scour for grants, and stated Council should be happy things were happening and added he saw no reason for a vote on the motion, whereupon Councilmember Boyajian withdrew his motion and requested Mr. Healey advise Council of the total amount needed.

**MOTION #29** - INCREASE THE CONVENTION CENTER BUDGET BY \$14,000,000 FOR CAPITAL IMPROVEMENTS (FUNDING SOURCE: BOND PROCEEDS)

Councilmember Duncan stated this was a technical motion and nothing more than what had already been discussed and approved, and Interim Assistant City Manager Quinto clarified the debt service for the Convention Center improvement project was included in the budget but staff inadvertently did not include the Capital project.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, Motion #29 hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Westerlund, Dages
Noes :	Sterling
Absent :	None

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**MOTION #30** - DIRECT STAFF TO IDENTIFY COST SAVINGS IN THE EDUCATION PROGRAMS APPROPRIATIONS TO PROVIDE \$50,000 TO \$70,000 TO CONDUCT AN INDEPENDENT OUTSIDE ASSESSMENT OF THE PROGRAMS

Councilmember Calhoun noted some fairly contentious discussions and votes have occurred on education/training programs including training programs like Imagine 21, stated millions of dollars have been spent over the years and every year education programs increase, and stated he felt the City needed to stop and have an outside assessment conducted to evaluate the programs and get a report so Council can decide on whether to continue with programs or not.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to approve Motion #30 failed, by the following vote:



Ayes : Boyajian, Calhoun, Perea  
 Noes : Duncan, Sterling, Westerlund, Dages  
 Absent : None

**MOTION #31** - ALLOCATE \$15,000 IN DISCRETIONARY FUNDING (GENERAL FUND) TO IMPROVE FRESNO'S CONVENTION DISPLAY BOOTH

Reviewed by Councilmember Boyajian who spoke to the need to improve the booth stating Fresno had a great story to show and tell, and Councilmember Westerlund added the booth was sad and pitiful and needed to be upgraded **(15 - 0)**. Councilmember Calhoun stated the economic development department was an appropriate funding source -- not the general fund -- and upon his question City Manager Souza clarified the department was part of the general fund.

On motion of Councilmember Boyajian, seconded by Councilmember Westerlund, duly carried, RESOLVED, Motion #31 hereby approved, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages  
 Noes : None  
 Absent : None

**NEW ADDED MOTION #32** - (Calhoun/Boyajian) - APPROPRIATE \$5,000 TO CONTRACT WITH THE FEDERAL TECHNOLOGY CENTER FOR ONE (1) YEAR TO PROVIDE WORKSHOPS. FUNDING SOURCE: ECONOMIC DEVELOPMENT DEPARTMENT \$120,000 LINE ITEM FOR THE EDC (WITHDRAWN)

Councilmember Perea stated this was a great idea but he wanted to see more information on the company and what exactly they did, with Councilmember Westerlund agreeing for the same reasons. Councilmember Duncan noted during earlier discussion on the Storyland/Playland insurance issue comments were made about receiving information late and there not being enough understanding or information to make a decision and stated those comments applied here, stated he felt staff needed to do their due-diligence before Council commits any money, and requested Councilmember Calhoun withdraw the motion adding there was potential here but he wanted to see a staff report and recommendation.

Councilmember Calhoun stated he was getting criticized because staff did not deliver the information, upon his request Council Assistant Kloose stated a letter from the Federal Technology Center had been sent to the Council, the Mayor's office and the economic development (ED) department about three or four months ago, and advised ED staff requested Councilmember Calhoun consider making a motion to seek funding for the organization. Councilmember Calhoun withdrew the motion expressing his concern and stating ED staff did not follow up with him and Council received the information but chose to ignore it.

**NEW ADDED MOTION #33** - (Calhoun/Dages) - DIRECT STAFF TO ESTABLISH AN "EXCESS REVENUE ACCOUNT" TO INCLUDE ALL GENERAL FUND TAX REVENUES COLLECTED BY THE CITY WHICH ARE IN EXCESS OF PROJECTIONS AND ARE UNAPPROPRIATED. CONTROLLER SHALL PROVIDE COUNCIL WITH QUARTERLY UPDATES ON STATUS AND BALANCE OF THE ACCOUNT

Withdrawn by Councilmember Calhoun (and subsequently brought back by Councilmember Perea).

**NEW ADDED MOTION #34** - (Calhoun/Perea) - IMPLEMENT SOME OF THE RECOMMENDATIONS OF THE CELL PHONE USAGE AUDIT AND APPLY SAVINGS TO THE TREE-TRIMMING CONTRACT.

Withdrawn by Councilmember Calhoun (and subsequently brought back by Councilmember Perea).

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**NEW MOTION #35** - (Boyajian/Sterling) - DEFUND THE IMAGINE 21 TRAINING PROGRAM WITH THE FUNDING TO GO BACK TO DEPARTMENTS

Councilmember Boyajian stated he disliked the program immensely and wanted it defunded. City Manager Souza and Deputy Chief Nevarez spoke to the Macias Report and explained what the program was all about and how it benefitted employees. Councilmember Calhoun stated his earlier evaluation approach motion was turned down and he would not support programs that people just bring in.

At this point Councilmember Perea stated he supported Councilmember Calhoun's Motions 33 & 34 that he withdrew and made

the same motions, which were seconded by Councilmember Sterling and subsequently acted upon.

Proceedings continued on Motion #35. Councilmember Boyajian stated he was offended by the city manager's comments on the Macias Report and explained, and elaborated further on personnel/management problems/issues and on his opposition to the Imagine 21 program. President Dages added Councilmember Boyajian's comments were not reflective of the entire Council.

A motion by Councilmember Boyajian, seconded by Councilmember Sterling, to approve Motion #35 failed, by the following vote:

Ayes :	Boyajian, Calhoun, Sterling
Noes :	Duncan, Perea, Westerlund, Dages
Absent :	None

**NEW MOTION #33** - (Perea/Sterling) - DIRECT STAFF TO ESTABLISH AN "EXCESS REVENUE ACCOUNT" TO INCLUDE ALL GENERAL FUND TAX REVENUES COLLECTED BY THE CITY WHICH ARE IN EXCESS OF PROJECTIONS AND ARE UNAPPROPRIATED. CONTROLLER SHALL PROVIDE COUNCIL WITH QUARTERLY UPDATES ON STATUS AND BALANCE OF THE ACCOUNT

Councilmember Perea stated this was a great idea and called for the vote.

City Manager Souza stated the spirit and intent of the motion was noble but he had a concern with the way it was worded due to revenues oftentimes exceeding expectations but also falling below other times, also noted the motion almost implied the funds would be sequestered into a separate account, stated staff was committed to keeping Council apprised of revenue and expense projections and he was willing to work with Council on how to get to the intent of the motion which he reiterated was a good one, and clarified staff would have to come back to Council before spending any of the funds. Councilmember Duncan stated he was not sure why this was needed stating revenues were very fluid and explained. Councilmember Calhoun stated staff ran \$6 million past Council and this was his polite way of saying "please don't do that again", and stated Council operates in dark noting staff spent \$8 million in utilities that were segregated and explained. Mr. Souza stated there was no hiding of \$6 million, pointed out financial reports are published monthly and if needed staff could help explain them to members, and stated the \$8 million was fully discussed in front of Council and the money was built into last year's budget. President Dages stated he originally seconded the motion because he felt it would be nice if Council had a choice of what they wanted to do with the revenues prior to the city manager and Mayor coming to Council with a proposal and further explained, with Mr. Souza responding. Councilmember Westerlund spoke briefly to the issue and presented questions relative to projections and estimations, with Mr. Souza responding and clarifying issues. President Dages stated he would like to support the motion but he did not want to create another burden on staff and added it would be nice for staff to keep Council informed **(16 - 0)**.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, Motion #33 hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Perea, Sterling
Noes :	Duncan, Westerlund, Dages
Absent :	None

**NEW MOTION #34** - (Perea/Sterling) - IMPLEMENT SOME OF THE RECOMMENDATIONS CONTAINED IN THE CELL PHONE USAGE AUDIT AND APPLY SAVINGS TO THE TREE-TRIMMING CONTRACT (WITHDRAWN).

Councilmember Perea stated his intent would be to wait to hear from staff on the recommendations and then debate the issue. City Manager Souza cautioned Council stating there were concerns with the report when it came out and the \$392,000 amount talked about as projected savings was rather draconian and explained, and along with City Attorney Montoy responded to questions of Councilmember

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Duncan relative to when any changes would be made, when staff would be reporting back, and if Council members using their personal phones and being paid a stipend would result in their cell phone records being public records. Councilmember Duncan stated he would not support the motion. Upon question Councilmember Perea stated if this was more of an administrative action he did not want Council taking the time to hear administrative items, and clarified he wanted to make sure some of the recommendations are implemented to see some kind of savings and he would withdraw the motion if staff could commit to that. Mr. Souza responded and stated it staff was committed to fully analyze the findings and implement those recommendations that make economic sense, whereupon Councilmember

Perea withdrew the motion.

**MOTION #16** - DEFUND \$350,000 FOR THE YOUTH AND SENIOR CENTER AT ROOSEVELT HIGH SCHOOL, **AS AMENDED, TO RE-APPROPRIATE \$350,000 TO OTHER YOUTH AND SENIOR CDBG-ELIGIBLE PROGRAMS**  
(Continued from earlier)

Councilmember Calhoun stated re-appropriating the money to other youth and senior programs was too open-ended and he wanted staff to come back to Council with their plans or ask Council for their suggestions at some later date, with City Manager Souza clarifying the \$350,000 would have to be brought back to Council before a specific program is approved.

Upon question of President Dages, City Attorney Montoy clarified the fire department fees in #A-4 would come back on July 19<sup>th</sup> and Council would now take action on items A-2 through A-8, as amended, excluding item A-4-a.

**(A-2.) RESOLUTION NO. 2005-286** - ADOPTING THE FY 2006 CITY OF FRESNO BUDGET, INCLUDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUDGET AND THE ANNUAL APPROPRIATION RESOLUTION (AAR), **AS AMENDED**

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-286 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund  
Noes : Boyajian, Dages  
Absent : None

**(A-3.) RESOLUTION NO. 2005-287** - ADOPTING THE POSITION AUTHORIZATION RESOLUTION (PAR)

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-287 hereby adopted, by the following vote:

Ayes : Duncan, Perea, Sterling, Westerlund  
Noes : Boyajian, Calhoun, Dages  
Absent : None

**(A-4.) RESOLUTION NO. 2005-288** - ADOPTING THE 431<sup>ST</sup> AMENDMENT TO MASTER FEE SCHEDULE (MFS) RESOLUTION NO. 80-420 REGARDING THE FOLLOWING, **AS AMENDED, excluding Fire Department fees:**

**a. \* Fire Department fees EXCLUDED - to be acted upon on July 19, 2005:**

Automatic Fire Extinguishing System, 5-year test  
Building Permit Surcharge Fire Prevention Fee  
Consultation  
Development/Public Works  
Alarm System  
Fire Hydrants  
Fire Inspections  
Fire Pumps  
Fire Sprinkler Systems  
Plan Checks  
Penalty  
Public Safety Alarms - Response to False Alarm  
Special Hazard User Permit fees  
Hazardous Material Incident  
Suppression Standby  
Underground Fire Service

Posting Place Carding on Dangerous Buildings  
 Arson Fire Investigation Report  
 Overtime Fire Inspection  
 Fire Department Plan Review  
 Environmental Assessment  
 Rezoning  
 Site Plan Review  
 Tentative Parcel Map  
 Tentative Tract Map

**b. Parks, Recreation and Community Services Department - Community Sports Teams**

Baseball Team/League revised/added fees will range between \$500- \$1,250  
 Outdoor Soccer Team/League fee will increase by \$25

**c. Planning and Development Department**

Text change only. No change to fees

**d. Transportation - Airports**

Adding Air Cargo Ramp fee at FYI  
 Adding Customer Facility Charge at FYI  
 Adding Federal Inspection Station (FIS) user fee at FYI

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-288 hereby adopted, *as amended, excluding Fire Department fees at this time*, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund  
 Noes : Boyajian, Dages  
 Absent : None

**(A-5.) BILL NO. B-76 - ORDINANCE NO. 2005-78 - ADOPTING THE PROPERTY TAX OVERRIDE (PTO) ORDINANCE (for introduction and adoption)**

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Bill No. B-76 adopted as Ordinance No. 2005-78, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund  
 Noes : Boyajian, Dages  
 Absent : None

**(A-6.) RESOLUTION NO. 2005-289 - SELECTION OF METHODOLOGY FOR DETERMINATION OF FY 2005-2006 GANN APPROPRIATION LIMIT**

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-289 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund  
 Noes : Boyajian, Dages  
 Absent : None

**(A-7.) RESOLUTION NO. 2005-290 - FISCAL YEAR 2005-2006 SALARY RESOLUTION**

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-290 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund  
 Noes : Boyajian, Dages  
 Absent : None

PARTNERSHIPS (HOME), EMERGENCY SHELTER GRANT (ESG), AND AMERICAN DREAM DOWN-PAYMENT INITIATIVE (ADDI) PROGRAM FUNDS, AND AUTHORIZING THE CITY MANAGER TO SIGN ALL IMPLEMENTING DOCUMENTS REQUIRED BY HUD

On motion of Councilmember Duncan, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-291 hereby adopted, by the following vote:

Ayes : Calhoun, Duncan, Perea, Sterling, Westerlund  
Noes : Boyajian, Dages  
Absent : None

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 9:27 p.m. having arrived and hearing no objections, President Dages declared the meeting adjourned.

Approved on the \_\_\_\_ 19th \_\_\_\_ day of \_\_\_\_ July \_\_\_\_, 2005.

\_\_\_\_\_/s/\_\_\_\_ ATTEST:\_\_\_\_\_/s/\_\_\_\_

\_\_\_\_\_  
Mike Dages, Council President

Yolanda Salazar, Assistant City Clerk

